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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/077,708 | 02/15/2002 | Robert V. Kieronski | 83587 | 4023 |

23523 7590 10/01/2004

NAVAL UNDERSEA WARFARE CENTER
DIVISION NEWPORT
1176 HOWELL STREET, CODE 000C
BLDG 112T
NEWPORT, RI 02841

EXAMINER

PATTERSON, MARC A

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| ART UNIT | PAPER NUMBER |
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1772

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/077,708

Applicant(s)

KIERONSKI, ROBERT V.

Examiner

Marc A Patterson

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 7-17.

Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See attached.

ADVISORY ACTION

Response to Amendment

1. The reply filed on August 24, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): All of the claims need to be listed in the amendment, including their identifiers. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

ANSWERS TO APPLICANT'S ARGUMENTS

2. Applicant's arguments regarding the 35 U.S.C. 102(b) rejection of Claims 7 – 8 as being anticipated by Hull et al (U.S. Patent No. 5,104,592), 35 U.S.C. 103(a) rejection of Claims 9 – 14 as being unpatentable over Hull et al (U.S. Patent No. 5,104,592) in view of Komori et al (U.S. Patent No. 5,948,514) and 35 U.S.C. 103(a) rejection of Claims 15 – 17 as being unpatentable over Hull et al (U.S. Patent No. 5,104,592) in view of Komori et al (U.S. Patent No. 5,948,514) and further in view of Vandenberg et al (U.S. Patent No. 3,634,303), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 11, that Hull et al discloses a rail held together with rivets, which are internal supports, but does not disclose internal supports and a separate cured material therebetween.

However, as stated on page 2 of the previous Action, Hull et al disclose a part (building part; column 12, lines 49 – 56) comprising a first component made from a photocurable polymer (column 2, lines 45 – 56) which is cured (column 12, lines 30 – 32) and having opposing surfaces (column 12, lines 49 – 56; Figure 7) and a material interposed between and bonded to the opposing interior surfaces; (rivets comprising the polymer, which is cured; column 12, lines 49 – 56; Figure 7); the cured material is therefore filled between the surfaces, as it partially fills the space between the surfaces; the material also comprises several spaced apart supports (column 12, lines 49 – 56; Figure 7) and therefore comprises internal supports and separate cured material. The two outermost rivets in Figure 7 are internal supports, in other words, and the central rivet is a cured material therebetween, which is separate because it is a different rivet from the two outermost rivets.

Applicant also argues, on page 12, that with regard to Claims 9 – 14, which are dependent on Claim 7, Hull et al discloses a rail held together with rivets, which are internal supports, but does not disclose internal supports and a separate cured material therebetween.

However, as stated above, Hull et al disclose a part (building part; column 12, lines 49 – 56) comprising a first component made from a photocurable polymer (column 2, lines 45 – 56) which is cured (column 12, lines 30 – 32) and having opposing surfaces (column 12, lines 49 – 56; Figure 7) and a material interposed between and bonded to the opposing interior surfaces; (rivets comprising the polymer, which is cured; column 12, lines 49 – 56; Figure 7); the cured material is therefore filled between the surfaces, as it partially fills the space between the surfaces; the material also comprises several spaced apart supports (column 12, lines 49 – 56; Figure 7) and therefore comprises internal supports and separate cured material. The two

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outermost rivets in Figure 7 are internal supports, in other words, and the central rivet is a cured material therebetween, which is separate because it is a different rivet from the two outermost rivets.

Applicant also argues, on page 13, that with regard to Claims 15 – 17, which are dependent on Claim 7, Hull et al discloses a rail held together with rivets, which are internal supports, but does not disclose internal supports and a separate cured material therebetween.

However, as stated above, Hull et al disclose a part (building part; column 12, lines 49 – 56) comprising a first component made from a photocurable polymer (column 2, lines 45 – 56) which is cured (column 12, lines 30 – 32) and having opposing surfaces (column 12, lines 49 – 56; Figure 7) and a material interposed between and bonded to the opposing interior surfaces; (rivets comprising the polymer, which is cured; column 12, lines 49 – 56; Figure 7); the cured material is therefore filled between the surfaces, as it partially fills the space between the surfaces; the material also comprises several spaced apart supports (column 12, lines 49 – 56; Figure 7) and therefore comprises internal supports and separate cured material. The two outermost rivets in Figure 7 are internal supports, in other words, and the central rivet is a cured material therebetween, which is separate because it is a different rivet from the two outermost rivets.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (571) 272 – 1497. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If

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attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571) 272 – 1498. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217 – 9197 (toll – free).

Marc A. Patterson, PhD.

Marc Patterson
Art Unit 1772

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

9/15/04